

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

October 11, 1962
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Palmer presiding.

Roll call:

Present: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Absent: None

Present also: W. T. Williams, Jr., City Manager; Doren R. Eskew, City Attorney; Reuben Rountree, Jr., Director of Public Works; Robert A. Miles, Chief of Police

Invocation was delivered by DR. JOHN BARCLAY, Central Christian Church.

MR. FRANKLIN DENIUS, representing Southern Union Gas Company, read a statement regarding the recent gas contract, as follows:

"While I have never considered myself a good loser, I always try to exercise good sportsmanship.

"Personally and as attorney for Southern Union Gas Company, I wish to say:

"Austin is most fortunate in having had continuous good city government. In fact, no city in these United States has had a better government. The present City Council, the City Manager and the City Attorney have always acted in the best interest of the people of Austin.

"The Council approached the power plant gas contract in a businesslike manner and in a way that was calculated to obtain an adequate gas supply at the lowest cost. Many long and tedious hours have been spent by the City fathers -- above and beyond the call of duty.

"Since it is World Series time, perhaps someone might quote Leo Durocher who said "nice guys always lose." Nevertheless, Southern Union, as a franchise holder and a public utility, feels deeply its responsibility to the Council and to the citizens of Austin. We believe that the people are entitled to know that following advertisements for bids, Southern Union's representatives worked extremely hard

in negotiations with its supplier, United Gas Pipe Line Company, to obtain a contract for the City which would be altogether safe and at the lowest possible cost. Although we did not submit a formal bid, we were within our legal right to offer a modification of our existing contract. A 15-year contract for prices at 18¢, 19¢ and 20¢ per million B.T.U. was offered to the City. In fact, I know of no gas prices that have been offered at this low rate in 1962. While Southern Union did not receive the contract, it does feel that the low prices it offered to the City, even though for but 15 years, provided the City with an opportunity to obtain the contract which it finally accepted.

"We extend to the Council congratulations on a job well done; to Coastal States, we extend our congratulations. The Council and Coastal States may anticipate not only our support but our cooperation in the carrying out of their new contract.

"To each member of the City Council, the City Manager and City Attorney, I personally want to extend a "thank you" for your consideration.

"Frank Denius
Attorney for Southern Union Gas Co."

MAYOR PALMER stated the decision to leave an old and good responsible supplier that had taken care of the city's needs for many years, was not an easy one, and that Southern Union had been a very, very good citizen in Austin, and the Council appreciated the way Southern Union had handled the gas supply in Austin. He said the Council was looking for the best possible price for the City; and in its judgment, it thought the contract it awarded was it. COUNCILMAN PERRY expressed appreciation for the way Mr. Denius had handled this matter and the way he represented Southern Union.

MR. C. T. JOHNSON stated he was taking a position that there were too many apartment houses in the City of Austin, as they were being constructed everywhere, and was affecting the City from an economic standpoint and from a historical standpoint. Austin has been a city of heritage and of beautiful homes and of culture; but now it was taking on the atmosphere of an industrial city. He suggested being more strict on the zoning changes. The Mayor stated the zoning committee has been studying this apartment problem, and will come up with a recommendation, and he explained the Council's considerations of each zoning application for an apartment dwelling. MR. BOW WILLIAMS in discussing apartment houses, asked the Council to make a personal inspection of garbage can situation at the apartment house on Hearn and 7th Street. This was referred to the Department of Public Works.

MR. BOW WILLIAMS discussed gas rates in the City.

Councilman Perry moved that the Minutes of the Meeting of September 27, 1962, be approved. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Perry, Shanks, White, Mayor Palmer

Noes: None

Not in Council Room when the roll was called: Councilman Armstrong

Mayor Palmer introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN CONTRACT WITH ALLANDALE HOMESITES, INC. FOR THE APPROPRIATION OF MONEY PAID TO THE CITY OF AUSTIN UNDER SUCH CONTRACT; AND DECLARING AN EMERGENCY. (Allandale Park, Section 5)

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Perry, Shanks, White, Mayor Palmer

Noes: None

Not in Council Room when the roll was called: Councilman Armstrong

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Perry, Shanks, White, Mayor Palmer

Noes: None

Not in Council Room when the roll was called: Councilman Armstrong

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Perry, Shanks, White, Mayor Palmer

Noes: None

Not in Council Room when the roll was called: Councilman Armstrong

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN CONTRACT WITH ALLANDALE OF AUSTIN, INC. FOR THE APPROPRIATION OF MONEY PAID TO THE CITY OF AUSTIN UNDER SUCH CONTRACT; AND DECLARING AN EMERGENCY. (Allandale Park, Section 6)

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion,

seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Perry, Shanks, White, Mayor Palmer

Noes: None

Not in Council Room when the roll was called: Councilman Armstrong

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Perry, Shanks, White, Mayor Palmer

Noes: None

Not in Council Room when the roll was called; Councilman Armstrong

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Perry, Shanks, White, Mayor Palmer

Noes: None

Not in Council Room when the roll was called: Councilman Armstrong

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN CONTRACT WITH ALLANDALE OF AUSTIN, INC. FOR THE APPROPRIATION OF MONEY PAID TO THE CITY OF AUSTIN UNDER SUCH CONTRACT, AND DECLARING AN EMERGENCY. (Allandale Park, Section 8)

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Perry, Shanks, White, Mayor Palmer

Noes: None

Not in Council Room when the roll was called: Councilman Armstrong

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Perry, Shanks, White, Mayor Palmer

Noes: None

Not in Council Room when the roll was called: Councilman Armstrong

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Perry, Shanks, White, Mayor Palmer

Noes: None

Not in Council Room when the roll was called: Councilman Armstrong

The Mayor announced that the ordinance had been finally passed.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, an easement twenty (20.00) feet in width, for drainage purposes, was granted the City of Austin, in, upon and across Lot 22, Block A, Allandale Park, Section 2, a subdivision of a portion of the George W. Davis Survey in the City of Austin, Travis County, Texas, according to a map or plat of said Allandale Park, Section 2 of record in Book 9 at page 26 of the Plat Records of Travis County, Texas; and,

WHEREAS, the owner of the above described property has requested the City Council of the City of Austin to release the hereinafter described drainage easement; and,

WHEREAS, the City Council has determined that the hereinafter described easement is not now needed and will not be required in the future; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager of the City of Austin be, and he is hereby authorized to execute a release of the following described drainage easement, to-wit:

Being all of the south twenty (20.00) feet of Lot 22, Block A, Allandale Park, Section 2, a subdivision of a portion of the George W. Davis Survey in the City of Austin, Travis County, Texas, according to a map or plat of said Allandale Park, Section 2 of record in Book 9 at page 26 of the Plat Records of Travis County, Texas.

THERE is to be retained, however, a public utility easement in, upon, and across the entire tract of land described above.

The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer

Noes: None

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, an easement five (5.00) feet in width, for public utility and drainage purposes, was granted the City of Austin in, upon and across a part of Lot 4, Block W, Highland Park West, said Highland Park West being a subdivision of portions of the Daniel J. Gilbert Survey No. 8, and the C. J. Strother Survey No. 611, and the Albert Sillsbe Survey No. 1 in the City of Austin, Travis County, Texas, according to a map or plat of said Highland Park West of Record in Book 4 at page 299 of the Plat Records of Travis County, Texas; and,

WHEREAS, the owners of the above described property have requested the City Council of the City of Austin to release the hereinafter described easement for public utility and drainage purposes; and,

WHEREAS, the City Council has determined that the hereinafter described easement is not now needed and will not be required in the future; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager of the City of Austin be, and he is hereby authorized to execute a release of the following described easement for public utility and drainage purposes, to-wit:

A strip of land five (5.00) feet in width, same being out of and a part of Lot 4, Block W, Highland Park West, said Highland Park West being a subdivision of portions of the Daniel J. Gilbert Survey No. 8, the C. J. Strother Survey No. 611, and the Albert Sillsbe Survey No. 1 in the City of Austin, Travis County, Texas, according to a map or plat of said Highland Park West of record in Book 4 at Page 299 of the Plat Records of Travis County, Texas, said strip of land five (5.00) feet in width being more particularly described as follows:

BEING all the south 189.73 feet of the west five (5.00) feet of said Lot 4, Block W, Highland Park West.

The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer

Noes: None

No action was taken on the final passage of the ordinance annexing 5.06 acres out of Isaac Decker League.

Mayor Palmer brought up the following ordinance for its second reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 0.80 OF ONE ACRE OF LAND OUT OF THE J. C. TANNEHILL LEAGUE, IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

The ordinance was read the second time and Councilman Perry moved that the ordinance be passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Perry, Shanks, White, Mayor Palmer

Noes: None

Not in Council Room when the roll was called: Councilman Armstrong

The Mayor announced that the following zoning applications had been withdrawn:

THEO P. MEYER, JR.	4202-12 Red River Street	From "A" Residence To "C" Commercial
FRIEN E. GATLIFF	204-06 W. Oltorf Street Additional Area 2316-18 Euclid Avenue 200-02 W. Oltorf Street	From "A" Residence To "B" Residence

Councilman Perry moved that the Council recess until 11:00 A.M. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

At 11:00 A.M. the Council resumed its business.

Pursuant to published notice thereof, the following zoning applications were publicly heard:

WAYNE BURNS	7504-48 Guadalupe Street	From "B" Residence 2nd
By Isom H. Hale	601-719 Morrow Street	Height & Area
	600-622 & 601-31 Dela-	To "A" Residence 1st
	field Lane	Height & Area
	600-18 & 601-21 Creston	RECOMMENDED by the
	Lane	Planning Commission
	7522-32 & 7523-31 Paxton	
	Street	

No opposition appeared. Councilman White moved that the change to "A" Residence 1st Height and Area be granted. The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the change had been granted to "A" Residence 1st Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

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C. B. MAUFRAIS	131-143 South 1st Street	From "D" Industrial To "C-1" Commercial RECOMMENDED by the Planning Commission
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Councilman White moved that the change to "C-1" Commercial be granted. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the change had been granted to "C-1" Commercial and the City Attorney was instructed to draw the necessary ordinance to cover.

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JAMES H. HAWLEY	904-08 West Avenue	From "B" Residence 1st
STEPHEN K. HAWLEY	Additional Area:	& 2nd Height & Area
	910-12 West Avenue	To "O" Office 1st &
	801-03 West 10th Street	2nd Height & Area
		RECOMMENDED by the
		Planning Commission

The Director of Planning stated a building line is being worked out along 10th Street. The Mayor stated this must be taken care of. No opposition appeared. Councilman White moved that the requested change be granted. The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the change had been granted to "O" Office 1st and 2nd Height and Area, and the City Attorney was instructed to draw the necessary ordinance to cover.

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MACE B. THURMAN	1607-09 Interregional	From "C" Commercial
	Highway	To "C-1" Commercial
		RECOMMENDED by the
		Planning Commission

Councilman Shanks moved that the change to "C-1" Commercial be granted. The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the change had been granted to "C-1" Commercial and the City Attorney was instructed to draw the necessary ordinance to cover.

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MARY JABOUR	3207-11 East Avenue	From "A" Residence
By Arthur Jabour	Additional Area:	To "C" Commercial
	3205 & 3213-17 East Ave.	RECOMMENDED by the
	1101-05 Edgewood Avenue	Planning Commission

Councilman White moved that the change to "C" Commercial be granted. The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the change had been granted to "C" Commercial and the City Attorney was instructed to draw the necessary ordinance to cover.

ROLLINS MARTIN

4703 East 12th Street

From "C" Commercial
To "C-2" Commercial
RECOMMENDED by the
Planning Commission

Councilman Perry moved that the change to "C-2" Commercial be granted.
The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the change to "C-2" Commercial had been granted
and the City Attorney was instructed to draw the necessary ordinance to cover.

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DR. DAN M. QUEEN
By Dan Priest

4904-06 Interregional
Highway
Additional Area
4900-02 Interregional
Highway
1012-22 E. 49th Street

From "A" Residence
To "C" Commercial
RECOMMENDED by the
Planning Commission

Councilman White moved that the change to "C" Commercial be granted.
The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the change to "C" Commercial had been granted
and the City Attorney was instructed to draw the necessary ordinance to cover.

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ALLANDALE HOMESITES,
INC., By W. W.
Patterson

7518-48 Burnet Road
2401-15 & 2400-14
Richcreek Road

From "A" Residence, 1st
Height & Area,
Interim "A" Resi-
dence & Interim
1st Height & Area
and "C" Commer-
cial 6th Height &
Area
To "C" Commercial 6th
Height & Area
RECOMMENDED by the
Planning Commission

Councilman Perry moved that the change to "C" Commercial 6th Height and
Area be granted. The motion, seconded by Councilman Armstrong, carried by the
following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the change had been granted to "C" Commercial

6th Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

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NORTHOWNE COMPANY
LAWSON RIDGEWAY
By Conway Taylor

8108-22 Burnet Road

From "A" Residence
To "C" Commercial
RECOMMENDED by the
Planning Commission

Councilman White moved that the change to "C" Commercial be granted. The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the change to "C" Commercial had been granted and the City Attorney was instructed to draw the necessary ordinance to cover.

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BURKE MATTHEWS

209 North Loop
Boulevard (As amended)

From "C" Commercial
To "C-1" Commercial
RECOMMENDED by the
Planning Commission

Councilman White moved that the change to "C-1" Commercial be granted. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the change had been granted to "C-1 Commercial and the City Attorney was instructed to draw the necessary ordinance to cover.

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CHESTER C. BURATTI

500 East 8th Street
801-05 Neches Street
Additional Area
502-04 East 8th Street

From "B" Residence 3rd
Height & Area
To "C" Commercial 3rd
Height & Area
RECOMMENDED by the
Planning Commission

MR. BURATTI represented himself in this request stating he wanted to demolish the old dilapidated house and make the area into a parking lot. MR. RICHARD BURCH was making inquiry, and said a parking lot would be all right with him. Councilman White moved that the change to "C" Commercial 3rd Height and Area be granted. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the change had been granted to "C" Commercial

3rd Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

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T. A. KIRK
By Isom Hale

Tract 1
Rear of 7541-47 N. Lamar
Rear of 721-29 Morrow St. To "C-1" Commercial 1st
Height & Area

Tract 2
7513-49 N. Lamar Blvd.
721-731 Morrow Street
From "B" Residence 2nd
Height & Area
To "GR" General Retail
1st Height & Area
RECOMMENDED by the
Planning Commission

Councilman Perry moved that the change to "C-1" Commercial 1st Height and Area be granted for Tract 1 and the change to "GR" General Retail 1st Height and Area be granted for Tract 2. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the change had been granted to "C-1" Commercial 1st Height and Area for Tract 1 and to "GR" General Retail 1st Height and Area for Tract 2 and the City Attorney was instructed to draw the necessary ordinance to cover.

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THOMAS W. MALONE

1211-1215 East 52nd St.
Additional Area:
1207-09 East 52nd Street
From "A" Residence
To "BB" Residence
RECOMMENDED by the
Planning Commission

Councilman White moved that the change to "BB" Residence be granted. The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the change had been granted to "BB" Residence and the City Attorney was instructed to draw the necessary ordinance to cover.

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MARY WADSWORTH

7105-07 Bethun Avenue

From "A" Residence
To "C-2" Commercial
NOT Recommended by the
Planning Commission

About 23 people appeared in opposition. Councilman Perry moved that the change be denied. The motion, seconded by Councilman Armstrong, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the change had been DENIED.

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EVERETT D. BOHLS
By Freddy Wells

1150 $\frac{1}{2}$ -1152 $\frac{1}{2}$ Poquito St.
Rear of 1916-18 Rosewood

From "C" Commercial
To "C-1" Commercial
RECOMMENDED by the
Planning Commission

MR. WELLS appeared stating he had not had beer to sell; but in the past two months two Town and Country Stores in the neighborhood had opened and he is compelled to sell beer to compete. Opposition was expressed by V. R. HUME, who had a hamburger stand next door and did not want beer sold at the adjoining location; that due to the churches and schools in this area, he asked that the zone not be changed. REV. JIM RUTHERFORD, pastor Rosewood Baptist Church, asked that the zone not be granted; that there are between 14-1600 children in the project across the street. MR. J. PHILLIP CRAWFORD filed a petition with a stated 20% of the property owners signing in opposition to the zoning. Opposition was also expressed by MRS. U. S. YOUNG, and M. L. PORTER. The Council wanted to make a personal inspection of the area before it voted. Later in the afternoon, Councilman Perry moved that the change be denied. The motion, seconded by Councilman Armstrong, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the change had been DENIED.

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FRANK C. BARRON
L. S. LANDRUM

1400 North Loop Blvd.
5300-5304 Woodrow

From "A" Residence
To "GR" General Retail
NOT Recommended by the
Planning Commission

Councilman Shanks moved that the Council uphold the recommendation of the Planning Commission and deny the zoning change. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Armstrong, Shanks, White, Mayor Palmer
Noes: None
Not in Council Room when the roll was called: Councilman Perry

The Mayor announced that the change had been DENIED.

MRS. FRUETT, MRS. HUGHES and MRS. PECK were not objecting to the zoning, but reported the traffic situation, stating traffic lights were needed on these streets.

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JAMES W. KITCHEL, et al	4401, 4403 & 4407 Russell Drive 1701-05 W. Ben White Blvd. Additional Area: 4405 Russell Drive	From "D" Office & "LR" Local Retail To "GR" General Retail NOT Recommended by the Planning Commission
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The Director of Planning stated the applicants could put their retail use in on a Special Permit. Councilman Perry moved that the application for a change to "GR" General Retail be denied. The motion, seconded by Councilman Armstrong, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the change had been DENIED.

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R. GRAHAM WILSON	1108 West 22nd Street	From "A" Residence 1st Height & Area To "B" Residence 2nd Height & Area NOT Recommended by the Planning Commission
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Mr. Wilson represented himself showing a chart of uses other than single dwelling residences, and stating he proposed to construct four units on this lot, with a 25' set-back for off street parking. DR. WILSON NOLLE stated this was a neighborhood with no uses other than Residential, and they did not want to break over the line to separate this from other uses. West 22nd Street from Rio Grande west does not accomodate two way traffic now, and this development would mean eight more cars. To grant this would be unfair to Mr. Andrewartha who tried to obtain such a zoning but who is now completing a two unit dwelling which is an asset to the neighborhood. MRS. BAGBY ATWOOD pointed out the inability to get emergency vehicles down the streets as they were narrow and there were cars parked on both sides of the street. MRS. J. J. LAGOWSKI objected stating this was a spot zone. Petition filed by 18 families, was in opposition to the zoning change. The Director of Planning explained some studies in planning for this neighborhood. The Council took no action as it wanted to make a personal inspection of the area.

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HOWARD ONSTOT, et al	200-06, 302-04 and	From "A" Residence 1st
By C. T. Uselton	308-12 West 38th Street	Height & Area
	3801-3809 Avenue B	To "B" Residence 2nd
	201-311 West 38 $\frac{1}{2}$ Street	Height & Area
	Additional Area:	NOT Recommended by the
	300 & 306 West 38th Street	Planning Commission

MR. USELTON represented the applicant stating the only objection was to the narrow streets, Avenue B and 38 $\frac{1}{2}$ Street. West 38th is as wide as North Loop and Koenig Lane. He stated it was desired to put in a 30 unit apartment. MR. B. W. RANSOM appeared, stating he was not opposed to the change. Councilman Perry stated the Council wanted to look at this property this afternoon, discuss it with the Planning Director, and render its decision next week. (Later in the meeting the Council discussed the right-of-way for widening the street. The City Manager noted the right-of-way on the north side would be easier to obtain, as the houses were back some 150' from that side. The Mayor asked the Planning Director to work on this and submit it back through the City Manager.)

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MRS. CLYDIA BROWNING	501 Montopolis Drive	From "A" Residence
	6301-05 El Mirando	To "GR" General Retail
		NOT Recommended by the
		Planning Commission

Mrs. Browning appeared in her own behalf, stating she might want to put in a beauty parlor in her home, but her main desire was to obtain the "GR" zone and sell the property. It was brought out she could have a beauty shop in her home under the present zone, with certain conditions; but the Planning Commission did not recommend the change of zone due to the fact the area is involved in the design and construction of a part of the Bastrop Highway; and at this time the Commission is not recommending any zoning changes. The Mayor explained that Montopolis Road would be a very busy thoroughfare, and that this property might be entitled to a change of zoning after the road is developed; but at this time, the Council could not vote the change. No action was taken, and the Council postponed action indefinitely.

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The City Manager stated I.B.M. had announced a major step forward in business management, and had invited the Council to come to their exhibit being held in the Commodore Perry Hotel, on October 11th.

Also the City Manager had an invitation to the Council from the ANGEL FUNERAL HOME for its opening on Sunday, October 14th.

The City Manager submitted the request of Travis County Water Control and Improvement District No. 7 to transfer the balance in Customer Deposits Account of District #7 to the operating account of the District, and also transfer the balance in the Operating Fund up to the amount of \$15,546.25 to the Bond and Interest Retirement Fund. Councilman Shanks moved that the Council

authorize this transfer of funds. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

The City Manager called attention to the filing of the STREET PAVING SUMMARY of October 8th, and of the STATUS OF WATER AND SANITARY CONTRACT PROJECTS as of October 1, 1962.

The City Manager stated he had a report from the Traffic Engineer recommending "Parking Prohibited" on Red River on the west side from 19th to 32nd Streets. He stated he would do this administratively. The Mayor stated the Council appreciated hearing about these changes.

The City Manager submitted a petition asking that a minimum of three elevated flood lights and three locked electric outlets (for Christmas lighting and special adult events) be installed in the park area located in the middle of the Court at the 4900 block of Beverly Skyline Drive. The residents planted carpet grass, built flower beds and have maintained the park at their own expense which has resulted in a beautiful addition to the northwest community. The City Manager suggested that next Thursday the Council drive by and look at the park.

The City Manager stated he had a report from the Public Works Department on the amount of money collected by the Department on the various activities particularly on street paving--the voluntary payments received were \$552,000 and the Assessments levied, \$106,000. The Mayor asked that thermofax copies of this report be distributed to the Council, and discuss this with the City Manager next Thursday.

Councilman Perry offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council of the City of Austin has found that public necessity requires the expansion of the Robert Mueller Municipal Airport located in the City of Austin in order to provide for the extension of existing runways and the creation of new terminal facilities to provide for the safe takeoff, landing and handling of commercial and private aircraft; and, to insure the safety of persons living in houses located beneath aircraft approach glide paths; and,

WHEREAS, the City Council has found and determined that the hereinafter described land must be acquired in order to provide for such expansion of said airport; and,

WHEREAS, the City of Austin has negotiated with the owner of such land and has been unable to agree with such owner as to the fair cash market value thereof, Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to file or cause to be filed against all owners and lienholders, a suit in eminent domain to acquire fee simple title for said purposes to the following described tract of land:

3.73 acres of land, same being out of and a part of the Henry Warnell Survey and the Joseph Burleson Survey in the City of Austin, Travis County, Texas, which 3.73 acres of land were conveyed to Watt Schieffer by warranty deed dated March 11, 1961, of record in Volume 2275 at page 335 of the Deed Records of Travis County, Texas; said 3.73 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at the most northerly corner of the herein described tract of land, same being the most northerly corner of the said Watt Schieffer tract of land and the most easterly corner of that certain tract of land out of the Joseph Burleson Survey in the City of Austin, Travis County, Texas, which was conveyed to the City of Austin, a municipal corporation in Travis County, Texas, by Warranty Deed dated September 13, 1928, of record in Volume 428 at Page 245 of the Deed Records of Travis County, Texas, said point of beginning being also a point in the southwest line of East 51st Street;

THENCE, with the northeast line of the said Watt Schieffer tract of land, same being the southwest line of East 51st Street, S 42° 33' E 433.2 feet to the most easterly corner of the herein described tract of land, same being the most easterly corner of the said Watt Schieffer tract of land, same being also the point of intersection of the southwest line of East 51st Street with the northwest line of Manor Road;

THENCE, with the southeast line of the said Watt Schieffer tract of land, same being the northwest line of Manor Road, S 49° 25' W 471.2 feet to the most southerly corner of the herein described tract of land, same being the most southerly corner of the said Watt Schieffer tract of land;

THENCE, with the southwest line of the said Watt Schieffer tract of land, same being the northeast line of that certain tract of land which was conveyed to George M. Calhoun by Warranty Deed dated July 20, 1950, of record in Volume 1060 at Page 494 of the Deed Records of Travis County, Texas, N 40° 35' W 303.6 feet to the most westerly corner of the herein described tract of land, same being the most westerly corner of the said Watt Schieffer tract of land and the most northerly corner of the said George M. Calhoun tract of land, same being also a point in an east line of the said City of Austin tract of land;

THENCE, with said east line of the said City of Austin tract of land, same being a west line of the said Watt Schieffer tract of land, N 29° 03' E 60.8 feet to a point for corner;

THENCE, with a south line of the said City of Austin tract of land, same being a north line of the said Watt Schieffer tract of land, S 69° 45' E to a point for an interior ell corner, same being a point in the east line of the Joseph Burleson Survey and the west line of the Henry Warnell Survey;

THENCE, with an east line of the said City of Austin tract of land, same being a west line of the said Watt Schieffer tract of land, same being also the east line of the Joseph Burleson Survey and the west line of the Henry Warnell Survey, N 28° 07' E 409.2 feet to the point of beginning.

The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, Mayor Palmer

Noes: None

Present but not voting: Councilman White

Councilman Armstrong reported MR. BUDDY WYATT, Capitol Feed and Milling Company, stated he has discussed the dedication of his property for right-of-way with no one, and now he has a notice that condemnation of his property will begin tomorrow (Friday) and that Friday is his busy day for his sales. The matter was referred to the City Attorney.

The City Manager had a letter from MR. ED BLUESTEIN, Texas Highway Department, as follows:

"October 5, 1962

"Control 414-2-9, 151-6-39 & 265-1-38

Project U 1068 (17)

Travis County

U. S. Highway 183 and Loop 343: From Just North of Colorado River at Montopolis to Bergstrom Interchange

"Mr. W. T. Williams, Jr.

City Manager

Austin, Texas

"Dear Mr. Williams:

"We were recently advised by our Central Office that the above described project could not be processed for our November Highway Letting as we had proposed and which schedule we had hoped to attain unless and until Agreements had been executed by the City of Austin wherein and in accordance with our State-wide policy covering the construction of an urban section, the City of Austin would defray a portion of the construction cost which normally includes storm sewers, curbs and gutters, etc. In fact, I was advised that this project could not be moved forward at all until this matter had been concluded.

"I regret that at this late date this matter had to be injected into this project since we had been able on practically all other projects in this area to have the City of Austin's cost waived and quite unlike the pattern employed in other cities through the State on jobs of this kind. We did manage during the last week or two to somewhat resolve our differences with some of our people at the Central Office and reduce the amount that we would call upon the City of Austin to pay to a very nominal sum.

"You will note that the enclosures consisting of drainage area maps showing colored in red that portion that the City of Austin is to be billed for as well

as showing detailed calculations determining how storm sewer sizes and the like were arrived at, as well as a copy of a Memorandum from Supervising Resident Engineer Lawrence Schulz to me reflecting that from a total of \$336,800 involved and that portion usually paid for by the City we are now asking you to defray a total of only \$32,700 due to circumstances surrounding this particular project. I also enclose a copy of the estimated cost of those items we are now asking the City of Austin to pay for.

"District Administrative Engineer Tom Wood and Supervising Resident Engineer Lawrence Schulz have previously discussed this matter with your Mr. Rountree and others of your City staff and at a time when we first thought that the City of Austin would be required to pay \$50,000 to \$60,000 of the total cost and which we now have been able to reduce to the \$32,700 mentioned above.

"This entire matter will have to be presented and acted on by the Texas Highway Commission at its next meeting which is not until the end of this month and therefore the formal Agreements providing for this cost participation between the City of Austin and the State cannot be prepared and submitted to you for action until the first part of November. I believe if I can get from you and from your City Council at an early date a Resolution or an expression indicating that you will be willing to execute the Agreements when they are presented as well as to defray this \$32,700 cost as your portion, I think we can keep this project on our November Letting as presently scheduled. Otherwise, I think it will have to be pulled and await the execution of the formal Agreements I mentioned above.

"In closing, I again regret having to seek this assistance from you but when you consider that without these Agreements between your City and the State wherein you would defray a portion of the cost, we would be forced to change our proposed design to a rural open ditch type of construction resulting in the need for additional right of way, the need for the City to do some rather costly utility adjustments, etc., and all of which of course would amount to much more than what we are now asking you to pay for.

"Your early attention to this matter will be appreciated. Incidentally, it is my present plan to propose a lump sum Agreement with your City since the present pattern indulged in by all our contractors in what we term "unbalanced" bidding might result in a non-realistic amount for that work to be charged to you.

"Sincerely yours
s/ Ed Bluestein
Ed Bluestein
District Engineer"

"October 5, 1962

"TO: Mr. Bluestein
FROM: Lawrence Schulz
SUBJECT: Montopolis Interchange in Austin U.S. 183

"The Montopolis Interchange in Austin has the following estimated expense for Storm Sewer and Curbing:

Storm Sewer System	\$282,000.00
Curbing	54,800.00
Total	\$336,800.00

"The State has made an exception to the policy requiring the City of Austin to pay for all the storm sewer and curbing by the State paying for all curbing and that portion of the storm sewer in the immediate interchange areas. The City of Austin will still have to share in the cost of the storm sewer South of the Montopolis Bridge where drainage comes from outside highway right-of-way. This drainage is primarily in the Del Monte and Vargas Street areas where poor drainage is now a problem and will be a greater problem as development continues.

"The attached sheets are the drainage area maps with the City of Austin participation colored in red and also the detailed calculations on each section of pipe showing how we calculated the percentages to be charged to each agency.

"The estimated total cost to the City of Austin is \$32,700.00.

"ESTIMATED COST OF STORM SEWER FOR CITY OF AUSTIN

Project: 1068 (17)

Control: 265-1-38

Description	Unit	Quantity	Est. Price	Amount
Uncl. Str. Excav. (Inlet & Manhole)	C.Y.	38.3	2.50	95.75
Sewer Excav.	C.Y.	4,170.8	2.30	9,592.84
Pipe Sewer (Cl. III) (18 in.)	L.F.	594.	3.50	2,079.00
24 "	L.F.	726.	4.50	3,267.00
30 "	L.F.	580.	5.50	3,190.00
36 "	L.F.	516.	7.00	3,612.00
42 "	L.F.	440.	9.00	3,960.00
48 "	L.F.	261.	12.00	3,132.00
Manhole (Compl) on Del Monte St.	Ea.	1	300.00	300.00
Inlet (Compl) (Type D) "	Ea.	2	250.00	500.00
Frame and Cover "	Ea.	3	25.00	75.00
				29,803.59
			Engr. & Contg.	2,896.41
			Total	\$32,700.00"

The City Manager explained the policy before that other cities had always been required to participate; but the State had waived participation in Austin, and for this project it will have to pay this \$32,700.00. The Director of Public Works stated \$22,000 had been set up; and in this plan, some of this drainage would drain the area around Del Monte and other streets. Councilman Shanks moved that the City Manager be authorized to answer this letter and handle the matter in accordance with the instructions set out to the Council, and acquiesce to this request. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer

Noes: None

The City Manager stated the merchants on Congress Avenue had been polled with regard to closing Congress Avenue in the 600-700 blocks for the Automobile Dealers, and all are in favor of it. Councilman Armstrong stated he was not sure the automobile dealers were going to display the cars then. The Assistant City Manager stated he would check with Mr. Warren Beaman.

The Council reset the tax appeal of CAPITOL AMUSEMENT COMPANY, by Mr. J. P. Darrouzet, for 2:30 P.M., October 25th.

Councilman Shanks offered the following resolution and moved its adoption:

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A NOVATION CONTRACT AND AGREEMENT IN CONNECTION WITH SURVEY AND PLANNING CONTRACT NO. TEX. R-20(A), BETWEEN THE CITY OF AUSTIN, THE URBAN RENEWAL AGENCY OF THE CITY OF AUSTIN, AND THE UNITED STATES OF AMERICA

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

Section 1. That the certain proposed Novation Agreement exhibited to the City Council by the City Manager relating to Survey and Planning Contract No. Tex. R-20(A), providing for an advance of Federal funds to aid in financing the cost of certain surveys and plans for an urban renewal project designated Project No. Tex. R-20 in the City of Austin, is hereby in all respects approved.

Section 2. That W. T. Williams, Jr., City Manager is hereby authorized and directed to execute and deliver said proposed Novation Agreement in three counterparts and the City Clerk is hereby authorized and directed to impress and attest the official seal of the City of Austin on each such counterpart.

The motion, seconded by Councilman Armstrong, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

The Mayor read a letter from the members of the Firemen's Pension Fund thanking the Council for increasing contributions to the Firemen's Pension Fund, and for its cooperation in putting the fund on an actuarially sound basis.

The Mayor read letters commending the Police Department in its splendid work, and commending the Manager of the Auditorium for his efficiency and good planning. (Letters from Mrs. Bruce W. Snider and Leon R. Graham respectively)

Councilman Armstrong reported a public relations act in straightening out the account of one whose lights had been turned off, and getting them turned back on after the customer reported the check number by which her bill had been paid.

Councilman Armstrong reported a complaint by Mr. Kutzschbach, East 11th Street and Lincoln, stating Lincoln Street was dusty. Mr. Kutzschbach stated his wife was returning from the Hospital and did not want to get in all of that dust. The Director of Public Works stated there was no more oil, and it would be necessary to pave the street.

MR. BOW WILLIAMS complimented the Council on getting his lights turned on in less than a half of an hour after he returned from his trip to Europe.

He said that was good service. As to the sidewalks, Mr. Williams stated he had noted the children walking out in the street, whereas they could be made to stay next to the curbing and on the extreme side of the street.

The Director of Planning stated there was an application to amend the Master Plan out on St. Elmo Road in an industrial area north of the Novy Tract. This area backs up to a pretty well actually developed industrial area, and this applicant wants to create three residential lots. The Planning Commission turned him down. The Director of Planning asked if the Council wanted to set a hearing in about two weeks from today, as the developer is asking to be heard. The Mayor asked that a staff report be brought in, and that the Council go out next week and look at the area first.

There being no further business, Councilman Perry moved that the Council adjourn. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

The Council adjourned subject to the call of the Mayor.

APPROVED

L. H. E. Palmer
Mayor

ATTEST:

Elin M. Hoadley
City Clerk